RUSTINGTON-FOCUS DO-IT-ALL, RUSTINGTON RETAIL PARK

STORE PROPERTY INVESTMENTS LTD

PLANNING AND RETAIL STATEMENT

APRIL 2010

BLUE PLANNING

ARUN DISTRICT COUNCIL R/105/10/

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APPENDICES

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Appendix 2 - Planning Permission R/72/08

1.0 INTRODUCTION

1.1 This planning statement has been prepared on behalf of Store Property Investments Ltd, the freehold owners of Rustington Retail Park, New Road, Rustington. The statement is submitted in support of two planning applications to facilitate the occupation of the Focus Do It All on the assumption that the existing tenant vacates the property on expiry of the current lease. The application proposes an alternative to the development proposals granted planning permission by the Council in October 2008 (R/72/08).

1.2 The planning applications comprises:

- An application for works comprising the refurbishment of the existing building, reconfigured car parking, access and landscaping (hereinafter referred to as Application One).
- An application for a mezzanine of 1,858 sqm (20,000 sqft) within the Focus unit (hereinafter referred to as Application Two). In essence, this involves "transferring" the A1 retail floorspace permitted by planning permission R/72/08 into the building. Further to discussions with Mr Wheway of the Council, a condition is proposed to ensure that any planning permission arising from this application is in the alternative to planning permission R/72/08 thereby ensuring no net increase in retail floorspace over that already permitted at Rustington Retail Park.

1.3 This statement takes the following format:

- Section 2-describes the site and surrounding area
- Section 3- summarises the planning history of the site
- Section 4- sets out a description of the proposals
- Section 5-sets out the planning policy context
- Section 6-sets out the case for the development

1.4 This statement should be read in conjunction with:

- Design and Access Statement
- Drawings prepared by Michael Cook Associates

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2.0 THE SITE AND SURROUNDING AREA

2.1 The planning application site comprises Unit 1 (Unit A) of the Rustington Retail Park, New Road. It forms part of a wider area of retailing which is located circa 850m from the northern edge of Rustington Town Centre. The southern boundary of the site comprises a thick tree belt with the railway line beyond. The northern boundary comprises the former A259 which now serves as a footpath and cycleway. The new A259 Rustington Bypass is located further to the north beyond an established tree belt.

2.2 The planning applications site relates to the Focus unit only and associated garden centre, car parking, etc. It comprises a single A1 retail unit totalling circa 3,252 sqm (35,004 sqft) with a garden centre of circa 410 sqm (4,415 sqft) to the rear. The unit is serviced via a dedicated service yard located between the unit and Halfords.

2.3 The existing lease with Focus expires in 2013.

2.4 Access to the Retail Park is via A259.

2.5 The Retail Park as a whole is served by 807 car parking spaces. Circa 301 spaces are provided on the western half serving Focus, Pets at Home and Halfords.

2.6 The surrounding area is characterised by commercial and residential property. The nearest residential property is located to the south of the railway line, circa 150m from the site.

2.7 The subject site is not located within a flood zone.

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3.0 THE PLANNING HISTORY

3.1 The Retail Park was developed in two principal phases:

Focus

3.2 In our opinion, the relevant planning permissions for the Focus unit are as follows:

- R/194/87-*"35,000 sqft of ground floor non-food retail warehouse space plus 1,100 sqft of ancillary offices on first floor with associated vehicle parking to County Planning standards, site roads and alterations to existing highways"* (10 August 1987)
- R/156/93-*"Non-compliance with Condition No. 5 imposed on planning permission R/194/87 for new external sales area, and provision of extra car parking"* (1 November 1993)
- R/135/95-"*Formation of new external compound as garden centre"* (30 November 1994)

3.3 It is agreed that there are no conditions on the above permissions which restrict the A1 retail use of the application property save that it should be for non food purposes only.

Halfords and Pets at Home

3.4 The remainder of the Retail Park (not including Sainsbury) is subject to the following permissions:

- R/272/87-*"Outline application for 18,000 sqft of non food retail warehouse space and associated car parking"* (16 December 1987)
- R/216/88-"*Details in pursuance of R/272/87 for 18,000 sqft approx. Non-food retail warehouse space-details of design and external appearance of the building"*
- R/171/94-*Details in pursuance of R/272/87 for non-food retail warehouse space altered elevations and floor plan layout (previously approved and partly implemented under consent R/216/88)*

Redevelopment of Focus and Service Yard

3.5 Store Property Investments Ltd submitted an application in February 2008 for the demolition of the existing Focus and the construction of three new units totalling 5,128 sqm (55,200 sqft). The site comprised the Focus, its garden centre and the service yard. The proposed scheme is illustrated on Drawing 07.187.25 in Appendix 1 and summarised below:

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Unit	Ground Floor	Mezz	Total
1	2,508	111	2,619
1 Garden Centre	641		641
2	929	465	1,394
3	743	372	1,115
Total (inc garden centre)			5,769

3.6 Planning permission was granted by the Council on 3 October 2008 (R/72/08) (see Appendix 2). The permission was subject to 15 conditions. The Council imposed the following range of goods condition:

"The retail warehouse hereby permitted shall not be used otherwise that for the sale of furniture and floorcoverings; domestic electrical and gas appliances; cycles and cycle parts and accessories; pets and pet supplies; stationary and office supplies and equipment; hardware, DIY goods and decorator's supplies, and garden products; and goods and services for the repair and maintenance of motor vehicles; and for no other purpose (including any purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking or-re-enacting that Order with or without modification)"

3.7 We are advised that the decision to impose condition was based on the advice of the Council's independent retail consultants. In our opinion, the advice to impose a range of goods restriction on the grant of consent for the development proposals did not give appropriate weight to the existing/prevailing use of the Focus unit (i.e. A1 non food retail). Notwithstanding, we would highlight that Application One proposes works to the external appearance of the building only and therefore issues relating to the use of the existing floorspace are not relevant to the determination of the application.

3.8 Planning permission R/72/08 remains extant and can be implemented up to 2 October 2011.

4.0 THE PROPOSALS

4.1 The proposals comprise two elements which taken together will comprise a package of works to ensure the widest possible options for the re-occupation of the existing property on the assumption that it ceases to be occupied by Focus on cessation of its lease.

Application One

4.2 Application One proposes the retention and refurbishment of the existing building including:

- Re-cladding of the existing building structure including relocation of the store entrance with new feature to the north east corner. Please note that the proposed entrance feature does not involve the creation of additional floorspace.
- Reconfiguration of the car parking, including the introduction of additional spaces to the rear on land comprising the existing garden centre. The total number of parking spaces in the Retail Park (i.e. excluding Sainsbury) that would result from the proposals is 286 (a net reduction of 15 spaces). This includes additional accessible parking spaces and dedicated cycle (20 spaces) and motorcycle spaces.
- The provision of improved pedestrian linkages to and through the site. These improved links correspond with those proposed by the extant planning permission. The proposed linkage to the old A259 (now pedestrian and cycle path) will result in the loss of a small area of landscaping. However, this is part of a wider grassed area and there will be no loss of trees or shrubs.

4.3 For the avoidance of doubt, we confirm:

- The proposals do not involve works to the existing building footprint/floorspace.
- The proposals do not involve the creation of additional A1 retail floorspace.
- The proposals do not involve a change to the A1 use of the property.

Application Two

4.4 Application 2 proposes the insertion of a mezzanine of 1,858 sqm (20,000 sqft). This is in addition to the existing mezzanine of circa 110 sqm (1,185 sqft).

4.5 The extent of the proposed mezzanine is broadly comparable (slightly less) to the difference between the existing floorspace to be retained and the proposed floorspace which remains extant under planning permission R/72/08. An allowance is also made for the permitted right to provide up to 200 sqm retail space within an existing building without the need for planning

permission. The overall retail sales space of the proposals is significantly less than the extant scheme if regard is had to the garden centre which comprises part of the extant scheme (+circa 641 sqm).

	Ground Floor (SQM)	**Mezzanine (SQM)**	**Permitted Mezzanine Right**
Existing	3,252 (retained)	110 (retained)	
Consented (R/72/08) (not inc garden centre)	4,180	948	
Difference	+ 928	+ 948	+200

4.6 In discussions with Mr Wheway of the Council, it is proposed that should planning permission be granted for Application Two it will be as an alternative to the development permitted under planning permission R/72/08 so as not to result in an overall net increase in retail floorspace compared with the current and permitted position. In accordance with pre-application discussions with Mr Wheway, we propose the following condition on Application Two should:

"The planning permission hereby granted shall not be exercised in addition to or in combination with planning permission R/72/08 dated 3 October 2008 and shall be treated as an alternative to that permission."

Reason: To prevent a net increase in retail floorspace."

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5.0 POLICY CONTEXT

5.1 Effectively, the proposals the subject of Application One and Application Two do not involve any change in the type or amount of A1 non food retail floorspace at the subject site, either existing or permitted. Therefore, we do not consider that the proposals give rise to any different issues in relation to national, strategic or local planning policy. However, for convenience, we rehearse the policy context in this section.

5.2 Extant planning permission R/72/08 was determined in 2008 against the policy guidance and development plan policy as set out below. In addition, regard was had to the Regional Planning Guidance for the South East (March 2001) and the emerging South East Plan (Draft March 2006). For the purposes of this policy review we would highlight that the West Sussex Structure Plan has been replaced by the South East Plan in the development plan and PPS6 has been superseded by PPS4 "Planning for Sustainable Economic Growth". However, all of the relevant policies of the Arun District Local plan have been saved pending the adoption of the Arun Local Development Framework.

West Sussex SP	LOC1	Location Strategy
	NE5	Employment provision
	NE10	Retail Development
	NE17	Roads
	CH1	Character
	ERA1	Making the best use of land
	DEV1	High Quality Development
	DEV5	Parking Provision
	CH7	Archaeology
	DEV4	Travel Needs and Choices
Arun District LP	GEN2	Built Up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	DEV26	Criteria for New Retail Development
	DEV27	Retail Development outside the Principal shopping Areas
	GEN9	Foul and Surface Water Drainage
	GEN18	Crime Prevention
	GEN32	Noise Pollution

	GEN33	Light Pollution
Planning Policy Guidance	PPS1	Delivering Sustainable Development
	PPS6	Planning for Town Centres
	PPG13	Transport
	PPG16	Archaeology and Planning
	PPS23	Planning and Pollution Control
	PPG24	Planning and Noise

National Planning Guidance

5.3 PPS1, Delivering Sustainable Development, remains relevant. Paragraph 5 sets out the general principles for sustainable development:

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- *making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;*
- *contributing to sustainable economic development;*
- *protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;*
- *ensuring high quality development through good and inclusive design, and the efficient use of resources; and,*
- *ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.*

5.4 PPS4, Planning for Sustainable Economic Growth, was published in December 2009 and replaces PPS6. Economic development is defined as uses that provide employment, generate wealth or produce economic output or product, and includes main town centre uses such as retail. The Governments objective for sustainable economic growth includes building prosperous economies, promoting regeneration and tackling deprivation, delivering sustainable patterns of development and promoting the vitality and viability of town and other centres. The health of town centres is to be promoted by focusing growth in such centres, facilitating competition between retailers and enhancing consumer choice for the entire community, and socially excluded groups in particular (Paragraphs 4-10).

5.5 The main difference between PPS4 and PPS6 is that the requirement to demonstrate need has been removed in PPS4. Instead, Policy EC14 of PPS4 sets out the supporting evidence required in relation to planning applications for main town centre uses that are not in an

existing centre and are not in accordance with an up to date development plan concentrating on the sequential test and impact on defined centres.

5.6 With specific regards the sequential test, PPS4 re-affirms the focus for new development should continue to be the existing town centres followed by edge and then out of centre locations.

5.7 Policy EC14 of PPS4 states that an impact assessment is required for retail and leisure development over 2,500 sqm gross floorspace. It goes on to state that impact assessments may be required for planning applications for less than 2,500 sqm of retail floorspace which are not in an existing centre and not in accordance with an up to date development plan, that would likely give rise to a **significant** impact on other centres (our emphasis).

5.8 We consider the retail issues relevant to the proposals in Section 6.

5.9 PPG16, Archaeology and Planning has been superseded by PPS5, Planning for the Historic Environment. In our opinion, neither Application One nor Two give rise to any issues relating to archaeology. Application One relates only to the refurbishment of the existing building and reconfiguration of existing hard standing for car parking etc and Application Two relates to the erection of a mezzanine within the building. Nevertheless, should the Local Planning authority consider it appropriate, on behalf of our clients, we propose the imposition of the following condition on both consents:

"No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority"

South East Plan

5.10 The South East Plan was published in May 2009. It sets out regional and sub-regional policies. As far as retail policies are concerned, the South East Plan mirrors the guidance in the then relevant PPS6.

Arun Local Plan 2003

5.11 The policies of the Arun District Local Plan relevant to the subject site have been saved pending the adoption of the emerging Core Strategy. Specifically, Policies DEV26 and DEV27 have been saved.

5.12 Policy DEV26 sets out the criteria for retail development and states:

The District Council will seek to maintain the existing hierarchy of retail centres within Arun. Retail development which accords with this objective will be permitted provided that:

(i) It is of a high standard of design, materials and layout, and has due regard to the character of the site and its surroundings;

(ii) It is easily accessible by public transport;

(iii) It includes provision for access by cycle and on foot;

(iv) It includes appropriate provision to enable access for people with disabilities; and

(v) The design incorporates crime prevention measures.

Applications for A3 uses will need to be accompanied by details of the provisions for the extraction of fumes and cooking odours and the provision of areas for the collection of waste

5.13 Policy DEV27 sets out the criteria for retail development outside the principal shopping areas and states:

Proposals outside the Principal Shopping Areas, as defined on the Proposals Map, for non-food retail and food retail, including extensions, will be permitted provided that:

(i) The proposal does not adversely affect the vitality and viability of the Principal Shopping Areas and local shopping areas, either as an individual development or cumulatively with similar existing or proposed developments;

(ii) It is easily accessible by the highway network and public transport;

(iii) It includes provision for access by cycle and on foot;

(iv) It includes appropriate provision to enable access for people with disabilities.

Applications for major development will need to be accompanied by a full assessment of the potential impact on town centres and nearby centres. Applicants proposing retail development on out of centre sites will need to demonstrate that no suitable site can be found, firstly within the existing town centre or, secondly, on the edge of the centre.

Applicants will also be required to demonstrate that there is a need for additional facilities.

Where these criteria are satisfied and permission is granted it will be made subject to planning condition or legal agreement, as appropriate, to:

(a) Restrict the range of products sold, and

(b) Restrict the units' size to a minimum of 1,000 m2 (10,764 ft2) with no further sub-division allowed.

Local Development Framework

5.14 The preparation of the Local Development Framework has been re-commenced following comments from the Secretary of State in 2007. Therefore, no weight can be afforded to the Local Development Framework at this time.

Coastal Districts Retail Study

5.15 The extant planning permission was determined in the context of the Coastal Districts Retail Study prepared on behalf of Arun, Chichester and Worthing Councils. We are advised that the Study has not been updated or superseded.

6.0 KEY ISSUES AND CONCLUSIONS

6.1 In considering the two planning applications supported by this Planning and Retail Statement we would highlight the following.

6.2 With regards Application One:

- There is no change in use proposed.
- There is no additional A1 retail floorspace proposed.
- The changes to the external appearance of the building do not raise any planning policy issues.
- The proposed works to the car parking do not raise any material issues in relation to car parking standards or transport related policies.

6.3 Therefore, it is our view that the key considerations relevant to the determination of Application One relate to detailed development control matters only. Specifically, Application One would not fall to be determined against PPS 4 or the criteria in Policy DEV26 and DEV 27 of the saved Local Plan as no new change in floorspace is proposed.

6.4 With regards Application Two, the proposals comprise broadly the same level of retail floorspace (and less overall retail sales space) consented by extant planning permission R/72/08. This will be assured by the proposed condition. In our opinion, the extant consent comprises a "fall back" position which should be afforded significant weight when determining the application. In principle the proposals do not give rise to any new policy issues or other material considerations.

6.5 In our opinion, the main considerations for the determination of the applications are:

1) Is the site suitable for the proposals?
2) Has there been a material change in the policy context?
3) Is the design acceptable?
4) Does the proposal raise any issues in relation to car parking, transport and accessibility?
5) Has there been a significant change in other material considerations?

6.6 Having regard to the above, it is our view that it is not necessary to undertake the tests set out in PPS4. However, for completeness, the matters have been addressed.

Site Suitability

6.7 The site comprises a purpose built retail warehouse unit with garden centre to the rear which is located within an existing retail park. Rustington Retail Park is an established shopping destination in the retail hierarchy of the District. The refurbishment and continued use of the property for A1 retail purposes is therefore wholly appropriate.

6.8 The proposals (save for the car parking reconfiguration etc) will be undertaken to or within the existing building envelope. Therefore, the scale and form of development will be unchanged and wholly appropriate to this location.

6.9 In conclusion, the proposals will facilitate the occupation of the property by a n other A1 retailer in the event that the existing tenant vacates the premises at the end of its lease. Therefore, the application site is considered to be suitable for the proposals.

Changes in Plan Policy

6.10 Extant planning permission R/72/08 was determined in the context of those policies summarised in Section 5. We have demonstrated:

- In accordance with PPS4, need is no longer a test required for the determination of planning applications and the level of floorspace proposed by Application Two (i.e. 1,858 sqm) falls below the threshold which would trigger the requirement to undertake an impact assessment. PPS4 repeats the requirement to undertake a sequential assessment.
- In terms of regional planning policy, the South East Plan has not introduced any new policy guidance in relation to retail development.
- The Local Plan policy context relevant to the site is unchanged.

6.11 Therefore, in our opinion there have been no changes in planning policy which is material to the determination of the planning applications.

Design

6.12 The existing building is of no significant architectural merit. The proposed treatment to the external appearance of the building will deliver a step change in the quality of design and appearance of the property. The relocation of the store entrance to the north east corner of the building together with the proposed improvements to pedestrian accessibility through the site will improve the site's legibility for customers. The feature corner entrance will add further design interest.

6.13 Therefore, we conclude that the applications propose a development which is appropriate to the site and surrounding area in terms of scale, design and appearance and will have no implications for the area.

Transport Issues

6.14 Application One does not involve the creation of additional floorspace or a change of use. Therefore, in principle, the proposals will not give rise to additional traffic movements compared with the existing position.

6.15 The proposals will result in the net loss of 15 car parking spaces as a result of the improvements to circulation, pedestrian and cycle links. This compares with a net loss of circa 61 spaces arising from the extant permission. We note that the County Council concluded in relation to the extant planning permission that the *"small loss of car parking spaces is acceptable"*.

6.16 With regards traffic, we note that the County Council concluded in relation to the extant planning permission that *"the access to the main A259 can take the extra increase in traffic that the proposals will generate"*.

6.17 In considering the conclusions reached in relation to the extant permission, we would draw attention to the following:

- There have been no changes in circumstances since the grant of the extant planning permission.
- It is generally accepted that an increase in floorspace at mezzanine level will not result in a pro-rata increase in customers and therefore car parking demand or traffic generation. Assessments suggest that traffic and car parking requirements associated with a mezzanine floor would be circa 25% of the equivalent ground floor space. The net increase in floorspace arising from Application Two comprises mezzanine floorspace only. The extant permission permits a net increase in floorspace at ground (928 sqm) and mezzanine level (948 sqm).

6.18 It is self evident that the traffic generation and parking demand arising from the proposals will be materially less than arising from the extant permission. In addition, the net loss of car parking is 40 spaces less than the extant scheme. Therefore, we are firmly of the opinion that the proposals are acceptable in transport terms.

6.19 The site is readily accessible by a choice of means of transport and it is easily accessible by foot. The reconfigured car parking layout will allow for dedicated pedestrian walkways

through the car park and crossing points. It is also proposed to create a pedestrian access at the north of the Retail Park, allowing access part way along the adjoining footpath and cycleway. 20 cycle parking spaces will be provided.

6.20 Notwithstanding, the applicants are prepared to enter into a condition requiring a Travel Plan as follows:

"The development hereby approved shall not be occupied until a Travel Plan completed in accordance with current advice has been submitted to and approved in writing by the Local Planning Authority".

Changes in Other Material Considerations

6.21 The extant planning permission was supported by a full Retail Assessment in accordance with PPS6. PPS6 has been superseded by PPS4.

6.22 Need is no longer a test required for the determination of planning applications and therefore is no longer relevant.

6.23 Application One does not involve the creation of any additional floorspace. Furthermore, Application Two relates to a floorspace of only 1,828 sqm. Therefore, there is no requirement under PPS4 to assess the implications of the proposals on the vitality and viability of an existing centre.

6.24 The sequential test is not applicable to Application One.

6.25 In relation to Application Two, we have reviewed the sites and units identified in the original Retail Assessment. There are no existing vacant units in Littlehampton or Rustington that are available, suitable or viable for the proposed development.

6.26 We support the conclusions reached in the original Retail Assessment in relation to St Martin's Car Park (i.e. it is outside the Primary Shopping Area, it is unlikely to be available in a realistic time period given the variety of ownerships and the importance of the car park to the Town Centre). The Clifton Road site is subject to redevelopment for Lidl following the consolidation of Travis Perkins and therefore not available.

6.27 Planning Policy Officers at the Council have confirmed that there are no sites designated for retail development in the adopted Local Plan which are within the likely catchment area and remain to be developed. Notwithstanding, we note that in relation to the application by Sainsbury for the renewal of the extant consent for the extension of their store at Rustington Retail Park, the Council has confirmed that there are no sequentially preferable sites for the proposed extension in either Rustington or Littlehampton. We note that the proposed

extension to Sainsbury is circa 1,561 sqm (i.e. smaller than the mezzanine proposed by Application Two).

6.28 Finally, we would highlight that the floorspace proposed by Application Two comprises a mezzanine within an existing unit as opposed to in three separate retail units of 743 sqm, 929 sqm and 2,508 sqm respectively.

6.29 Making efficient use of existing developed land is at the heart of Government policy. The insertion of mezzanine floors into existing buildings is an example of how this objective can be achieved, whilst responding to reasonable business and shopper needs. The ability to insert mezzanine floors maximises the use of existing property and should be positively encouraged as it reduces the pressure to release additional land for development.

6.30 The insertion of mezzanine floors on an existing retail scheme will enable that scheme to move forward with changing consumer demand and may lessen the requirement for an alternative out-of-town park within the same market. This could free up land for alternative development such as housing in areas where there is high demand.

6.31 Notwithstanding the sites location outwith a flood zone, we note that the extant permission was supported by a Flood Risk Assessment in accordance with PPS25. The current proposals will result in no change to the building footprint. All additional floorspace is at mezzanine level. Therefore, it is our view that there is no requirement to undertake a Flood Risk Assessment.

Conclusions

6.32 As a prudent and proactive landlord, Store Property Investments are seeking planning permission for proposals that will facilitate the re-occupation of an existing A1 retail unit should the existing tenant vacate on cessation of its lease. Two planning applications have been submitted. The applications propose an alternative to the development granted planning permission by the Council in October 2008 (R/72/08) which remains extant.

6.33 Taken together, the applications will provide for the refurbishment of the existing building, the insertion of a mezzanine of circa 1,858 sqm and the reconfiguration and improvements to the car parking, pedestrian and cycle access. The proposed mezzanine floorspace is broadly comparable in quantitative terms to the net additional floorspace permitted by the extant permission. For the avoidance of doubt, we confirm that Application Two will be as an alternative to the development permitted under planning permission R/72/08 so as not to result in an overall net increase in retail floorspace compared with the current and permitted position. It is proposed that the following condition be imposed on Application Two should it be granted:

"The planning permission hereby granted (Application Two) shall not be exercised in addition to or in combination with planning permission R/72/08 dated 3 October 2008 and shall be treated as an alternative to that permission."

6.34 Therefore, in principle the proposals do not raise any issues which are materially different to the "fall back" position established by the extant planning permission.

6.35 Nevertheless, we have reviewed the key issues considered to be relevant to the determination of the application. We have concluded:

- The application site is considered to be suitable for the proposals.
- There have been no changes in planning policy which is material to the determination of the planning applications
- The applications propose a development which is appropriate to the site and surrounding area in terms of scale, design and appearance and will have no implications for the area.
- The proposals are acceptable in transport terms.
- The proposals do not raise any new or different retail planning issues to those satisfied in relation to the extant permission. However, we have reviewed the findings in relation to the requirements of PPS4 which may be considered relevant to the determination of Application Two and find the proposals compliant.

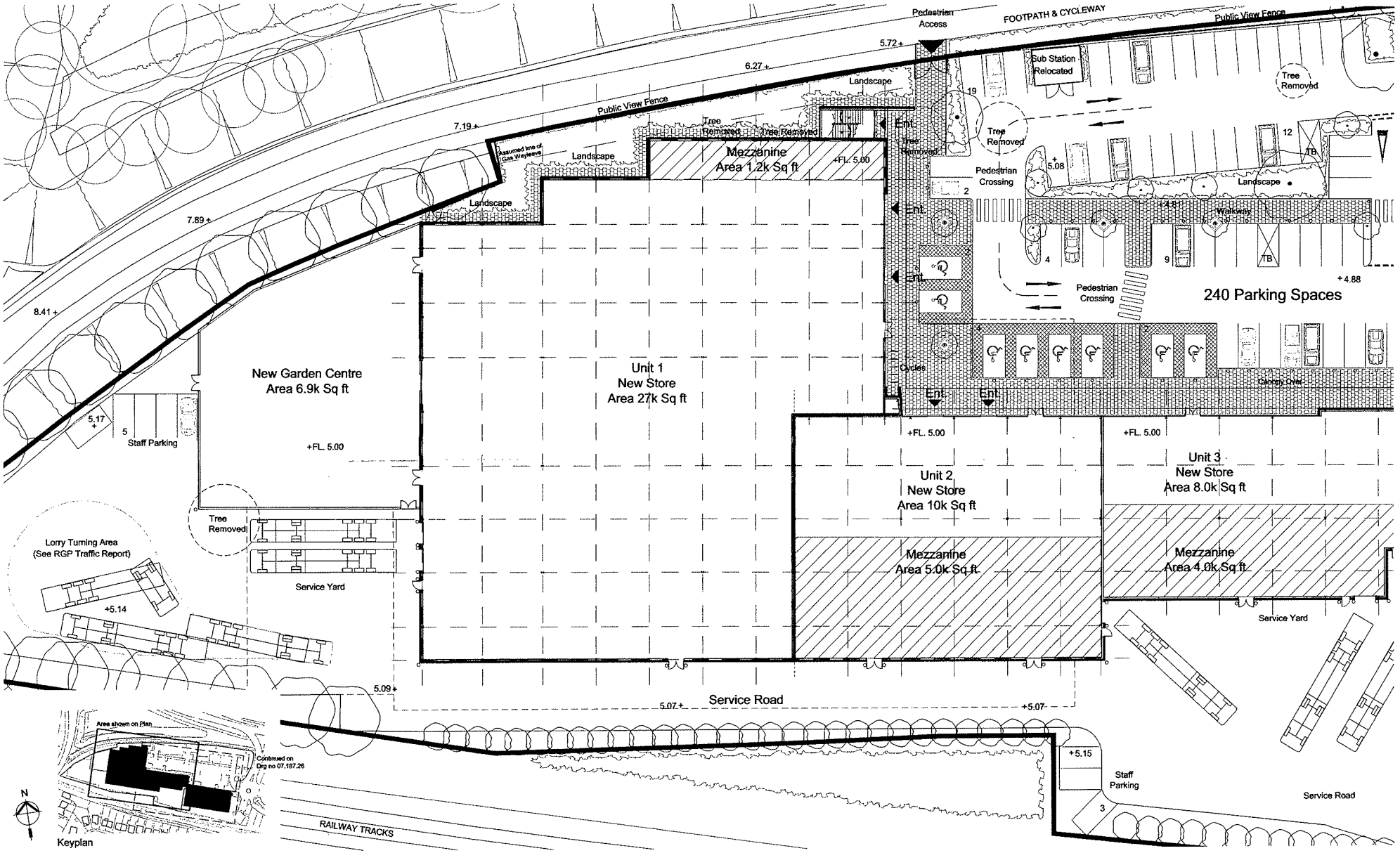
6.36 There are no additional material circumstances which would bear upon a decision.

6.37 Therefore, we respectfully request that planning permission is granted for the three applications.

APPENDIX 1

ARUN DISTRICT COUNCIL R/105/10/

ARUN DISTRICT COUNCIL R/72/08/



Rev	Date	Description	Drawn by	PM
D	15.02.08	Issued for Planning	SG	
C	05.02.08	Schedule of areas shown in sq m	SG	MS
B	05.02.08	Unit 2 split, schedule of areas added, gas wayleave added	SG	MS
A	08.01.08	Drawing Dated Added	SG	MS

REVISIONS

Note:

To be read in conjuction with drwgs HGP 07.187.01 - 07.187.05 - 07.187.10
07.187.20 - 07.187.26 - 07.187.30 - 07.187.31 - 07.187.32 - 07.187.33 - 07.187.34

Based on Survey Carried out by Offington Land Surveys - August 2007

All areas are GIA measurement, for indicative purposes only and may be subject to change during design development.

PLANNING

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CLIENT
STORE PROPERTY

TITLE
Rustington Retail Park

Proposed Floor Plan
Page 1 of 2

Scale : 1: 200 @ A1
Date : 05.12.07
Drawn by : MS
Checked by : SL

Drawing No:
07.187.25

HGP ARCHITECTS

HGP Greenlaw Allchurch Evans Limited
Furzebed Farm, Wickham Road, Fareham, Hampshire, PO16 7JH, England
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APPENDIX 2

TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: R/72/08/

1 **To Addressee**

Mr S Macklen
Barton Willmore Planning Partn
35 Kings Hill Avenue
Kings Hill
West Malling
ME19 4BW

2 **Site Address**

Land At Rustington Retail Park
New Road
Rustington

3 **Description of Development**

Alterations to Rustington Retail Park to incl. the demolition of the existing Focus Unit (& associated garden centre), relocation of electricity sub-station, construction of 3 retail units (including garden centre), alterations to car park & associated landscaping alterations

4 In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

CONDITION 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

CONDITION 2 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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CONDITION 3 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 5 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 6 The retail warehouse hereby permitted shall not be used otherwise than for the sale of furniture and floorcoverings; domestic electrical and gas appliances; cycles and cycle parts and accessories; pets and pet supplies; stationary and office supplies and equipment; hardware, DIY goods and decorators' supplies, and garden products; and goods and services for the repair and maintenance of motor vehicles; and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the vitality and viability of the town centre and the prospect of town centre developments in accordance with PPS6 and policy DEV27 of the Arun District Local Plan.

CONDITION 7 The building shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 8 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 9 The building hereby permitted shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 10 The development hereby approved shall not be occupied until a Travel Plan completed in accordance with curerent advice from the Department of Transport has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote and encourage sustainable transport amongst staff in accordance with policy DEV4 of the West Sussex Structure Plan.

CONDITION 11 The development shall not proceed until details of the proposed surface water and means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN9 of the Arun District Local Plan.

CONDITION 12 If during development, any visibly contaminated or odorous material not previously identified is found to be present at the site it must be investigated. The local planning authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of controlled waters in accordance with PPS23 Planning and Pollution Control.

CONDITION 13 No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site may be of arcaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with policies CH7 of the West Sussex Structure Plan and AREA17 of the Arun District Local Plan.

CONDITION 14 Details of any external lighting/floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: to safeguard the amenities of nearby residents in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN33 of the Arun District Local Plan.

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CONDITION 15 All external glazing should be laminated. Final exit doors and windows shall accord with LPS1175 SR3. Final doors which open outwards should have hinge bolts.

Reason: To help crime prevention in accordance with GEN18 of the Arun District Local Plan.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, LOC1, NE5, NE10, NE17, CH1, ERA1, DEV5, CH7, DEV4,

LOCAL PLAN: GEN7, GEN2, GEN12, DEV26, DEV27, GEN9, GEN18, GEN32, GEN33,

NATIONAL POLICIES: PPS1, PPS6, PPG13, PPG16, PPS23, PPS24,

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Case Officer: Mr K Wheway

Date of Decision: **3rd October 2008**

Date Decision Issued: **3rd October 2008**

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

ZJ Ellwood

Zachary Ellwood
Interim Head of Development Control

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

If either the local planning authority or the First Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.